

In the outstanding Office Action, Claims 1, 2, 4-9 and 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0 096 102 (hereinafter “EP ‘102”) in view of Harris (U.S. Patent 2,944,273); Claims 3 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP ‘102 in view of Harris and Richardson (U.S. Patent 1,722,706); and Claims 15-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP ‘102 in view of Harris and Homma et al. (U.S. Patent 4,381,259).

Claims 1, 8 and 15 have been amended and Claims 21 and 22 have been newly added herein. These amendments and additions in the claims find support in the original specification, claims and drawings. For example, amended Claims 1, 8 and 15 are supported by page 4, lines 12-20, and Claims 21 and 22 are supported by page 5, lines 7-8, of the specification. Hence, no new matter is believed to be added thereby. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually satisfactory claim language.

Before addressing the outstanding art rejections, a brief summary of Claim 1 as amended is believed to be helpful. Claim 1 according to the present invention is directed to a detergent container with a massage brush including a body configured to contain a detergent therein and having an opening for the detergent in an upper portion thereof, an inner cover removably covering the opening, and a cover detachably attached to the upper portion of the body over the opening, the cover having a flat side surface extending away from the body and a plurality of projections provided on the flat side surface and configured to massage a scalp, wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane. By providing such projections, the

cover provides a brushing area which facilitates more effective massage along the contour of a scalp.

The Office Action asserts that EP '102 discloses a container as recited in Claim 1 except an additional cover within its outer cover. However, EP '102 does not teach "a cover detachably attached to the upper portion of the body over said opening, said cover having a flat side surface extending away from the body and a plurality of projections provided on said flat side surface and configured to massage a scalp, wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane" as recited in amended Claim 1. Instead, EP '102 only discloses the cover 3' which is somewhat arched and has the projections 8 having the same height.¹ As such, the apices of the projections 8 in EP '102 are simply arched along the surface of the cover 3', not forming an imaginary concave plane. Therefore, the structure recited in amended Claim 1 is believed to be clearly distinguishable from EP '102.

Richardson discloses a scalp syringe and do not teach "a cover detachably attached to the upper portion of the body over said opening, said cover having a flat side surface extending away from the body and a plurality of projections provided on said flat side surface and configured to massage a scalp, wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane" as recited in amended Claim 1. On the other hand, Richardson discloses the applicator 5 having the outer solid teeth 7 and the inner tubular teeth 8 for applying various fluids to a scalp, not a massaging brush, not a massaging brush. Since the inner tubular teeth 8 of Richardson are

¹ See, EP '102, Figs. 1 and 2.

provided to dispense a fluid from their tip portions, not to provide better contact for effective massaging of a scalp, the inner tubular teeth 8 would have to be sufficiently shorter than the outer solid teeth 7 so as not to make any contact with a scalp, i.e., the outer solid teeth 7 must provide enough space between a scalp and the tip portions of the inner tubular teeth 8. As such, the outer solid teeth 7 and inner tubular teeth 8 of Richardson would not be effective in providing massaging of a scalp. Thus, the structure recited in amended Claim 1 is believed to be distinguishable from Richardson.

Similarly, Harrison and Homma et al. disclose a combination container with a massage brush and a shampoo composition, respectively, but both of these references fail to teach “a cover detachably attached to the upper portion of the body over said opening, said cover having a flat side surface extending away from the body and a plurality of projections provided on said flat side surface and configured to massage a scalp, wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane” as recited in amended Claim 1. Thus, the structure recited in amended Claim 1 is also distinguishable from Harrison and Homma et al.

Because none of EP ‘102, Harrison, Richardson and Homma et al. discloses the cover as recited in amended Claim 1, even the combined teachings of these cited references are not believed to render the structure recited in Claim 1 obvious.

Likewise, Claims 8 and 15 have been amended to include subject matter substantially similar to what is recited in Claim 1 to the extent discussed above. Thus, Claims 8 and 15 are also believed to be distinguishable from EP ‘102, Harrison, Richardson and Homma et al.

For the foregoing reasons, Claims 1, 8 and 15 are believed to be allowable. Furthermore, since Claims 3-7, 10-14 and 16-22 ultimately depend from one of Claims 1, 8

and 15, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 3-7, 10-14 and 16-22 are believed to be allowable as well.

In view of the amendments and discussions presented above, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

Please cancel Claims 2 and 9 without prejudice, and amend Claims 1, 8 and 15 as follows:

--1. (Thrice Amended) A detergent container with a massage brush comprising:
a body configured to contain a detergent therein and having an opening for the
detergent in an upper portion thereof;
an inner cover removably covering the opening; and
a cover detachably attached to the upper portion of the body over said opening, said
cover having a flat side surface extending away from the body and a plurality of projections
provided on said flat side surface and configured to massage a scalp.

wherein the plurality of projections gradually decrease height toward a center portion
of the flat side surface covered with the plurality of projections such that apices of the
plurality of projections form an imaginary concave plane.

2. (Canceled)

8. (Twice Amended) A shampoo container comprising:
a body configured to contain a shampoo therein and having an opening for the
shampoo in an upper portion thereof;
an inner cover removably covering the opening; and
a cover detachably attached to the upper portion of the body over the opening, the
cover having a flat side surface extending away from the body and a plurality of projections

on the flat side surface, the plurality of projections being positioned to facilitate massaging of a scalp,

wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane.

9. (Canceled)

15. (Twice Amended) A scalp massaging kit comprising:

a detergent containing 0.1 to 10 parts by weight of a cationic polymer, 1.0 to 50 parts by weight of a nonionic surface active agent, 1.0 to 50 parts by weight of an alcohol, and water in an amount making 100 parts by weight; and

a detergent container having a body and a cover, the body being configured to contain the detergent therein and having an opening for the detergent in an upper portion thereof and an inner cover removably covering the opening, the cover being detachably attached to the upper portion of the body over the opening, and having a flat side surface extending away from the body and a plurality of projections on the flat side surface, the plurality of projections being positioned to facilitate massaging of a scalp,

wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane.--

Please add new Claims 21 and 22.

--21.-22. (New)--